

CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE (CDFA)
CERTIFIED FARMERS' MARKET ADVISORY COMMITTEE (CFMAC)
Meeting Minutes
March 13, 2006
Sacramento, California

MEMBERS

Fred Ellrott
Russell Hall
Jim Russell
Gene Etheridge
Edith Clark
Jim Eldon
Doug Hayden
Joan Taramasso
Greta Dunlap
Howell Tumlin
Mary Lou Weiss
Scott Hudson
Karol Jo Kappel

ALTERNATES MEMBERS

Nancy Pleibel
Karen Wetzel Schott
John Silveira

CDFA

Nate Dechoretz
Rick Jensen
Steve Patton
Susan Shelton

ITEM 1: ROLL CALL

Gene Etheridge called the Certified Farmers' Market Advisory Committee (CFMAC) meeting to order at 10:00 a.m. Gene led the committee in the pledge of allegiance. Steve Patton called the roll and a quorum was established.

A. INTRODUCTION OF GUESTS

Introductions of guests were made.

ITEM 2: APPROVAL OF JANUARY 9, 2006 MEETING MINUTES

MOTION: Jim Eldon moved to approve the minutes as submitted. Fred Ellrott seconded. The motion passed unanimously.

ITEM 3: APPROVAL OF AGENDA

Item 2 on the agenda was changed from "May 9, 2005 Meeting Minutes" to "January 9, 2006 Meeting Minutes". Item 7.f.4 "Subcommittee Selections" was changed to Item 7.g.

MOTION: Mary Lou Weiss moved to approve the agenda as amended. Edith Clark seconded. The motion passed unanimously.

ITEM 4: CDFA REPORTS – STEVE PATTON

A. CFM REMITTANCE FEE AND DELINQUENT MARKET REPORTS

The CFM Remittance Fee Reports as of March 2, 2006 were handed out to the committee members. As of the report date, fees paid in 2005 totaled \$179,383.14.

The Delinquent Reports for the first, second, third and fourth quarters of 2005 were given to the committee members. Steve explained that the fourth quarter report might change as not all of the markets had yet been contacted regarding operational status for that timeframe.

B. CDFA BUDGET REPORT

Nate Dechortez addressed the committee regarding the need to bring the CFM Program budget into balance. As had been previously discussed with the committee, the expenditures for 2006/07 will need to be decreased. CDFA can no longer allow the program to run in the negative and be supplemented by other programs within the Inspection and Compliance Branch.

Rick Jensen stated that it is the desire of CDFA to work with the committee to find a mutually agreeable expenditure plan for 2006/07. Current revenue is expected to be approximately \$180,000 per year. Until such time as revenue increases, a revised expenditures plan that does not exceed revenue must be implemented.

Additionally, at the end of the 2005/06 fiscal year it is estimated that the program will owe the State Agricultural Fund roughly \$98,000. The committee was told that the program would have to repay these funds; however, this will be addressed in future budget plans.

Rick passed out a series of handouts that reviewed historical budgets, program resource allocation, and examples of areas where expenditures could be decreased. The committee discussed these items and issues at length.

Rick again encouraged the committee to work on these issues, explaining that a balanced budget will be submitted for the next fiscal year. It was suggested that the Budget Subcommittee meet and create a budget proposal to bring forward for committee approval at the May 8, 2006 meeting in Torrance.

MOTION: Howell Tumlin moved to have the Budget Subcommittee work with CDFA and interested parties to formulate a budget proposal to bring forward at the next CFMAC meeting. Doug Hayden seconded. The motion passed unanimously.

C. LEGISLATION/REGULATION/PROPOSAL UPDATE

Steve Patton gave each committee member a copy of the CFMAC Regulation/Legislation/Proposal Update. Many of the items listed have been approved by CFMAC and will be discussed at the upcoming Spring CACASA Conference.

ITEM 5: AGRICULTURAL COMMISSIONER'S REPORT

Scott Hudson reported that the CACASA Spring Conference would be held in San Luis Obispo from May 1 – May 5, 2006. The Standardization Subcommittee meets on the first day of the conference; this is when the proposed regulations will be discussed.

ITEM 6: CHAIRMAN'S REPORT – GENE ETHERIDGE

No report at this time.

ITEM 7: COMMITTEE REPORTS/BUSINESS

A. LONG RANGE PLANNING SUBCOMMITTEE – GRETA DUNLAP, CHAIR

1. Letter to the Secretary

The letter to Secretary Kawamura that was passed out at the last meeting will be sent.

B. FINANCE SUBCOMMITTEE – SCOTT BEYLIK, CHAIR

1. Budget

No report at this time.

C. MARKET STANDARDS/MANAGER CERTIFICATION SUBCOMMITTEE – HOWELL TUMLIN, CHAIR

Howell Tumlin reported that the subcommittee met via teleconference on January 26, 2006. Handouts of the meeting's minutes were given to each committee member.

1. Nonprofit responsibility

No action at this time.

D. ENFORCEMENT/MATRIX SUBCOMMITTEE – SCOTT HUDSON, CHAIR

1. Administrative Civil Penalty Matrix Revision Update

Scott Hudson gave each committee member a copy of the Draft CFM Penalty Matrix, revised March 2006. The matrix lists the specific code section, violation, and violation type. It also adds wording that defines the violation types of minor, moderate, and serious.

The matrix is broken down into two parts, Part I deals with certified producer violations and Part II deals with certified farmers' market violations.

2. Clarification of CPC Section 1392.4 (d) (add valid to language)

Steve Patton reminded the committee they may want to work on regulation wording that states that CPC's must be current, valid, embossed, and posted at each CFM stall. According to CDFA legal opinion current regulation does not specifically state this as a requirement.

E. NON-CERTIFIABLE AGRICULTURAL PRODUCTS SUBCOMMITTEE – JIM RUSSELL, CHAIR

1. Revised Proposed Regulation to Define Processed Product.

2. Proposed Regulation to Define Flavorings Used in Processed Products

3. Revised Proposed Regulation of Conditions of Direct Marketing for Processed Products

These proposals will be presented at the upcoming CACASA conference. This committee will take no further action until CACASA has expressed their support.

Scott Hudson stated that many of the commissioners have already expressed a problem with herbs and coatings being included in the proposed amendment of Section 1392.2. Jim Russell suggested that any reference to these items be taken out of the proposal before it is sent forward to CACASA.

Section 1392.2 Definitions

Amend Section 1392.2 to read:

(u) **Processed Agricultural Products.** Processed agricultural products shall be defined as agricultural products that have been altered or prepared by such means as, but not limited to, slicing, juicing, drying, shelling, smoking, freezing or cooking, provided, however, that the seller has produced all of the ingredients contained in the final product. The only exceptions to this production requirement shall be the inclusion of food coloring, pectin, rennin/rennet or ingredients used as preservatives, seasonings, or flavorings. ~~or coatings.~~

(v) **Preservative.** An additive, substance or ingredient(s) added to agricultural products to prevent decomposition due to chemical change or microbial action and/or to protect against decay, discoloration or spoilage. Preservatives include, but are not limited to: sulfites added to dried fruits, dried vegetables or wine; sugar added in the making of jams, jellies and preserves; salt or salt brine solution for curing olives; or vinegar for pickling of products such as, but not limited to, beans, asparagus and cucumbers.

(w) **Seasoning.** Seasoning shall be defined as salt or any ~~herb or~~ spice used in food preparation.

(1) ~~Herb.~~ Herb shall be defined as the leafy part of an aromatic plant used fresh or dried in food preparation.

(1) ~~(2)~~ **Spice.** Spice shall be defined as any of various aromatic plant products used in food preparation. Spices include, but are not limited to: chili powder, whole or ground black pepper, ginger, garlic, onion, jalapeno, cinnamon and nutmeg.

(x) **Flavoring.** A substance, additive or ingredient, which may itself include seasonings or preservatives, that imparts flavor to a food without changing the consistency of or rendering unidentifiable the original product. Flavorings include, but are not limited to: Liquid, powder or natural smoke, hickory, vanilla extract, nut oil, and soy sauce.

(y) **Food Coloring.** For the purposes of this regulation, food coloring shall be defined as a dye or pigment that is added to a product to impart color.

~~(z) **Coatings.** A substance that coats or enrobes including but not limited to chocolate, yogurt, flour & coconut as long as the certified or noncertifiable agricultural product is the primary product.~~

MOTION: Jim Russell moved to approve Section 1392.2 as submitted above. Scott Hudson seconded. The motion passed with one abstention, four against, and seven in favor.

F. POLICY AND PROCEDURES SUBCOMMITTEE – HOWELL TUMLIN, CHAIR

Howell Tumlin reported that the subcommittee met via teleconference on January 30, 2006 and February 27, 2006. Handouts of the meetings' minutes were given to each committee member.

1. Clarification of Quorum

No action at this time.

2. Add Education to Policy Manual

MOTION: Howell Tumlin moved to add "Promotion and education about the Certified Farmers' Market Program" to the CFMAC Procedures under Section IV. Function of Committee, 4.1 Enumeration of Functions. Jim Eldon seconded. The motion passed unanimously.

3. Removal of a Member Procedures

No action at this time.

G. SUBCOMMITTEE SELECTIONS

It was proposed that Scott Beylik chair the Finance Subcommittee with Karol Jo Kappel, Scott Hudson, Karen Wetzel Schott, Jim Eldon, Nancy Pliebel, and Joan Taramaso as members.

MOTION: Howell Tumlin moved to approve the Finance Subcommittee as proposed. Scott Hudson seconded. The motion passed unanimously.

It was proposed that Mary Lou Weiss chair the Nursery Stock Subcommittee with Mary Hillebrecht and Scott Hudson as members.

MOTION: Jim Russell moved to approve the Nursery Stock Subcommittee as proposed. Howell Tumlin seconded. The motion passed unanimously.

It was proposed that Greta Dunlap chair the Long Range Planning Subcommittee with Gene Etheridge, Rusty Hall, Pompea Smith, Jim Eldon, Fred Ellrott, Jane Allen, Karol Jo Kappel, Lynn Bagley, and Joan Taramasso as members.

MOTION: Jim Eldon moved to approve the Long Range Planning Subcommittee as proposed. Edith Clark seconded. The motion passed unanimously.

It was proposed that Howell Tumlin chair the Market Standards/Manager Certification Subcommittee with Edith Clark, Karol Jo Kappel, Gene Etheridge, Mary Lou Weiss, Doug Hayden, Joan Taramasso, Scott Beylik, Jim Eldon, and Nancy Pliebel as members.

MOTION: Jim Eldon moved to approve the Market Standards/Manager Certification Subcommittee as proposed. Doug Hayden seconded. The motion passed unanimously.

It was proposed that Scott Hudson chair the Enforcement/Matrix Subcommittee with Nancy Pliebel, Fred Ellrott, Edith Clark, and Scott Beylik as members.

MOTION: Karol Jo Kappel moved to approve the Enforcement/Matrix Subcommittee as proposed. Fred Ellrott seconded. The motion passed unanimously.

It was proposed that Jim Russell chair the Non-Certifiable Agricultural Products Subcommittee with Howell Tumlin, Mary Hillebrecht, Mary Lou Weiss, Karol Jo Kappel, Laura Avery, Leslie Starus, Rusty Hall, Rick Landon, Greta Dunlap, Randii MacNear, and Amelia Saltsman as members.

MOTION: Karol Jo Kappel moved to approve the Non-Certifiable Agricultural Products Subcommittee as proposed. Rusty Hall seconded. The motion passed unanimously.

It was proposed that Gene Etheridge chair the CACASA Coordination Subcommittee with Rusty Hall, Karol Jo Kappel, Scott Beylik, Greta Dunlap, Jim Russell, Mary Hillebrecht, and Mary Lou Weiss as members.

MOTION: Jim Eldon moved to approve the CACASA Coordination Subcommittee as proposed. Howell Tumlin seconded. The motion passed unanimously.

It was proposed that Fred Ellrott chair the Policy and Procedures Subcommittee with Jim Eldon, Scott Beylik, Howell Tumlin, Mary Hillebrecht, Pompea Smith, and Karen Wetzel Schott as members.

MOTION: Karol Jo Kappel moved to approve the CFMAC Policy and Procedures Subcommittee as proposed. Edith Clark seconded. The motion passed unanimously.

It was proposed that Greta Dunlap chair the Marketing and Education Subcommittee with Joan Taramasso, Jim Eldon, Karol Jo Kappel, Fred Ellrott, John Silveira, Pompea Smith, and Nathalie Descratz as members.

MOTION: Edith Clark moved to approve the CFMAC Marketing and Education Subcommittee as proposed. Fred Ellrott seconded. The motion passed unanimously.

ITEM 8: NEW BUSINESS – DISCUSSION ONLY

The committee discussed ways to cut down on expenses. Electronic notification via postal mailing of notices was talked about. CDFA will send a letter out to inquire if interested parties would be willing to receive electronic notification.

ITEM 9: MEMBER ROUNDTABLE DISCUSSION – GENE ETHERIDGE

No roundtable discussion.

ITEM 10: NEXT MEETING

The next meeting has been scheduled for May 8, 2006 in Torrance, CA.

ITEM 11: ADJOURNMENT

The Committee adjourned at 2:02 p.m.

Respectfully submitted by:

Steve Patton, Interim Supervisor
Certified Farmers' Market Program
Inspection and Compliance Branch